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C O N F I D E N T I A L BUCHAREST 000170

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STATE FOR NCE AARON JENSEN

E.O. 12958: DECL: 02/13/2016

TAGS: [PGOV](#) [RO](#)

SUBJECT: SENATE PASSES MOTION AGAINST REFORMIST JUSTICE
MINISTER MONICA MACOVEI

REF: A. BUCHAREST 0158

[1](#)B. BUCHAREST 0144

Classified By: Deputy Chief of Mission Mark A Taplin for Reasons 1.4(b)
and (d).

[1](#)1. (SBU) The Romanian Senate on February 13 voted 81 to 41 to censure Justice Minister Monica Macovei for failings in judicial reform. The censure motion, entitled "The Lie -- The Truth of Macovei's Justice System," was initiated by the Conservative Party (PC) and endorsed by the main opposition Social Democratic Party (PSD) and the extreme-nationalist Greater Romania Party (PRM). Though the vote was by secret ballot, the results indicate that some members of Prime Minister Calin Popescu Tariceanu's National Liberal Party (PNL) must have sided with the opposition. Macovei quickly announced that she would not resign. PM Tariceanu announced, in an effort to straddle the fence after announcing last week he would not ask for the Minister's resignation, that his government would align its point of view with that of the Senate, and would urge Minister Macovei to adopt measures to address the complaints.

[1](#)2. (SBU) The censure motion accuses Macovei of failing to enact a strategy to reform the justice system, for anemic results in the fight against corruption, for blocking the application of an amended penal code, and for a series of organizational and legislative "failures." The motion also condemns as a "diversion" a bill initiated by Macovei to establish a National Integrity Agency (ANI) that would have the power to investigate declarations of personal wealth and possible conflicts of interest among politicians. The establishment of the ANI was a key demand of Brussels in the final stages of Romania's drive to secure EU accession. The Senate motion urged the Prime Minister to dismiss Macovei, and to forward legislation necessary for the European Union integration process.

[1](#)3. (C) Comment: The Romanian constitution states that "simple motions" (by one chamber) do not carry the same weight as a motion of "no-confidence" passed by the two chambers in joint session, which could lead to the fall of the government. Leading opposition Senators, however, have argued that under the Senate's rules, the Prime Minister must conform to the Senate's position and force Macovei to step down. Although it is unclear what would happen if the PM rejected the motion in its entirety, PC President Dan Voiculescu and even some Liberals from the PM's camp have insisted that she go, with Voiculescu openly threatening to launch a vote of no-confidence in the government next week if Tariceanu does not comply. Based on PM Tariceanu's earlier comments to the Ambassador (ref B), as well as a public endorsement of Macovei by European Vice-President Frattini, an outright dismissal of the Justice Minister seems unlikely. Yet Tariceanu has demonstrated time and again that he can

change his mind, and even more so that his entourage can change his mind for him. The censure effort against Macovei can also be seen as a "test run" at the opposition's principal target, President Basescu. The fact that some PNL members sided with the opposition suggests that PSD Geoana may be able to attract some measure of anti-Basescu support even from within Liberal ranks. End Comment.

TAUBMAN